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June 19, 2003

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DAVID A. O'CONNOR
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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VIA HAND DELIVERY

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
236 Massachusetts Ave., NE
Suite 110
Washington, DC 20002
**ATTN: Disabilities Rights Office, Consumer & Governmental Affairs
Bureau**

Re: CC Docket No. 98-67
Interstate Telecommunications Relay Services Fund Payment
Formula and Fund Size Estimate
Video Relay Service Cost Data

Dear Ms. Dortch:

Pursuant to Section 0.459 of the Commission's rules, 47 C.F.R. § 0.459, and on behalf of Hamilton Relay, Inc. ("Hamilton"), we hereby enclose a request for confidential treatment of the information submitted in the above-captioned proceeding on June 13, 2003 by NECA regarding Hamilton's video relay cost data.

An extra copy of this letter is enclosed. Please date-stamp the extra copy and return it to the courier for return to me.

No. of Copies rec'd
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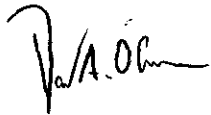
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Federal Communications Commission
June 19, 2003
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Should you have any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "D.A. O'Connor", written over the printed name.

David A. O'Connor
Counsel for Hamilton Relay, Inc.

Enclosure

cc (via e-mail): Tom Chandler (thomas.chandler@fcc.gov)

WAS1 #1192030 v1

REQUEST FOR CONFIDENTIAL TREATMENT

Pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R. §§ 0.457, 0.459, Hamilton Relay, Inc. ("Hamilton") hereby requests that the contents of the information submitted to the Commission on June 13, 2003, regarding Hamilton's detailed cost data for video relay services ("VRS") be treated as confidential and withheld from public inspection.

In accordance with the requirements of Section 0.459(b), 47 C.F.R. § 0.459(b), Hamilton submits the following:

- 1) 0.459(b)(1): Identification of the specific information for which confidential treatment is sought: Hamilton requests that the entire contents of its VRS submission be treated as confidential and withheld from public inspection. The VRS information submitted by Hamilton contains competitively sensitive cost data pertaining to the service to be offered. Pursuant to the Freedom of Information Act ("FOIA"), public disclosure is not required for documents that are "trade secrets, commercial or financial information obtained from a person and privileged and confidential." For this reason, the information contained in Hamilton's submission is covered by the FOIA exceptions.
- 2) 0.459(b)(2): Identification of the Commission Proceeding in which the Information Was Submitted or a Description of the Circumstances Giving Rise to the Submission: The information was submitted to the interstate TRS fund administrator (National Exchange Carrier Association) as an additional information request from the Federal Communications Commission.
- 3) 0.459(b)(3): Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged: The VRS information submitted by Hamilton contains highly sensitive financial information. Such information "would customarily be guarded from competitors." 47 C.F.R. § 0.457(d)(2).
- 4) 0.459(b)(4): Explanation of the degree to which the information concerns a service that is subject to competition: Video relay is funded by the interstate TRS fund. As a result, video relay is a competitive service with numerous competitors to Hamilton.

- 5) 0.459(b)(5): Explanation of how disclosure of the information could result in substantial competitive harm: If the contents of Hamilton's VRS submission were to be disclosed, Hamilton's efforts to develop and market its video relay service could be undermined, resulting in substantial competitive injury. Hamilton has extended funds and resources for the development of this service. Sharing the contents of the attachment with the public would compromise Hamilton's past efforts to develop and market its video relay product.
- 6) 0.459(b)(6): Identification of any measures taken by the submitting party to prevent unauthorized disclosure: Hamilton requires that its employees treat Hamilton's VRS information as confidential and privileged. In keeping with this practice, Hamilton has requested confidential treatment by the Commission of all VRS information submitted by Hamilton.
- 7) 0.459(b)(7): Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties: Hamilton's VRS information is proprietary and not available to the public. The information has not been disclosed to third parties other than Hamilton's legal counsel. In addition, Hamilton is a privately held company. Its financial information is not public record.
- 8) 0.459(b)(8): Justification of the period during which the submitting party asserts that material should not be available for public disclosure: Hamilton requests that the Commission withhold the VRS information submitted by Hamilton for a period of 3 years.
- 9) 0.459(b)(9): Any other information: The public interest will be served if the Commission treats Hamilton's submission as confidential just as it does all other cost information submitted to the interstate TRS administrator. Such treatment will allow Hamilton to continue its VRS innovations while permitting the Commission to review the status of Hamilton's VRS costs without disclosing to the public Hamilton's proprietary information.